

CITY OF MONTEREY PARK
PLANNING COMMISSION AGENDA

REGULAR MEETING

**Monterey Park City Hall Council Chambers
320 West Newmark Avenue
Monterey Park, CA 91754**

**TUESDAY
FEBRUARY 10, 2015
7:00 PM**

MISSION STATEMENT

**The mission of the City of Monterey Park is to provide excellent services
to enhance the quality of life for our entire community.**

Staff reports, writings, or other materials related to an item on this Agenda, which are distributed to the Planning Commission less than 72 hours before this scheduled meeting are available for public inspection in the City Clerk's Office located at 320 West Newmark Avenue, Monterey Park, CA 91754, during normal business hours. Such staff reports, writings, or other materials are also on the City's website subject to staff's ability to post the materials before the meeting. The City's website is located at <http://ci.monterey-park.ca.us/home/index.asp>. Copies of staff reports and/or written documents pertaining to any item on the Agenda are on file in the Community and Economic Development Department – Planning Division and are available for public inspection during regular business hours.

PUBLIC COMMENTS ON AGENDA ITEMS

For members of the public wishing to address the Planning Commission regarding any item on this Agenda, including Oral Communications, please fill out a speaker card and return it to Planning staff before the announcement of the Agenda Item.

Speakers are provided five (5) minutes per individual on each published agenda item. Individual speakers may consolidate time with another speaker's time; the total consolidated time cannot exceed two (2) minutes per speaker giving up time. However in the interest of ensuring that all members of the Public have an equal opportunity to participate, a single speaker cannot speak for more than ten (10) minutes on an individual Agenda item. If there are a large number of speakers on a particular agenda item, the Chairperson, as confirmed by the Planning Commission, may reduce the amount of time allotted to each speaker or limit the total amount time allowed for speakers to address the agenda item. At the conclusion of that period of time, the speaker will be asked to please conclude their remarks so that the next speaker may begin their comments.

In accordance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please call City Hall, (626) 307-1359. Please notify the Community and Economic Development Department twenty-four hours prior to the meeting so that reasonable arrangements can be made to ensure availability of audio equipment for the hearing impaired. Council Chambers are wheelchair accessible.

CALL TO ORDER – Chairperson Rodrigo Garcia

ROLL CALL – Commissioners Choi, Hamner, Lam, and Sullivan

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

ORAL AND WRITTEN COMMUNICATIONS

MINUTES

PUBLIC HEARINGS

[1.] UNFINISHED BUSINESS

[1-A. CONDITIONAL USE PERMIT – 780 WEST GARVEY AVENUE \(CU-14-02\)](#)

Consideration of a Resolution denying Conditional Use Permit (CU-14-02) to allow a financial use (bank) in conjunction with the construction of a new 3,800 square foot commercial building at 780 West Garvey Avenue in the R-S, (P-D) (Regional Specialty Center, Planned Development) zone.

The denial of this project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15270 of the State CEQA Guidelines.

It is recommended that the Planning Commission consider taking the following actions:

- (1) Reopening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting Resolution 01-15 to deny the requested Conditional Use Permit (CU-14-02); and
- (5) Taking such additional, related, action that may be desirable.

[2.] NEW BUSINESS

[2-A. CONDITIONAL USE PERMIT \(CUP-14-07\) – 220 SOUTH GARFIELD AVENUE](#)

The applicant, Guanming Gao, is requesting approval of a Conditional Use Permit to allow on-sale beer and wine (Type 41) in conjunction with an existing retail eating establishment (Charcoal BBQ) at 220 South Garfield Avenue. The property is zoned C-B (P-D) (Central Business Commercial, Planned Development) zone and is designated Mixed-Use I (MU-1) in the General Plan.

This project was determined to be a Class 1 (Existing Facilities) Categorical Exemption pursuant to CEQA Guidelines § 15301.

It is recommended that the Planning Commission consider taking the following actions:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopt the Resolution approving the requested Conditional Use Permit (CUP-14-07), subject to conditions contained therein; and
- (5) Taking such additional, related, action that may be desirable.

[3.] COMMISSION COMMUNICATIONS AND MATTERS


[4.] ITEMS FROM STAFF

[5.] CLOSED SESSION

ADJOURN

To the next regularly scheduled meeting on February 24, 2015

APPROVED BY:

| | |
|-----------------------|---|
| MICHAEL A. HUNTLEY |  |
|-----------------------|---|



Planning Commission Staff Report

DATE: February 10, 2015

AGENDA ITEM NO: 1-A

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: Consideration of a Resolution denying Conditional Use Permit (CU-14-02) to allow a financial use (bank) in conjunction with the construction of a new 3,800 square foot commercial building – 780 West Garvey Avenue.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Adopting Resolution 01-15 (attached) to deny the requested Conditional Use Permit (CU-14-02); and
- (2) Taking such additional, related, action that may be desirable.

BACKGROUND:

On January 27, 2015, the Planning Commission voted to deny an application for a Conditional Use Permit to allow a financial use (bank) in conjunction with the construction of a new one-story, 3,800 square foot commercial building at 780 West Garvey Avenue. The property is located at the southeast corner of West Garvey Avenue and North Atlantic Boulevard. The property is zoned R-S, (P-D) (Regional Specialty Center, Planned Development) zone and is designated C (Commercial) in the General Plan. A copy of the January 13, 2015 and January 27, 2015 staff reports are attached for convenience.

In denying the application, Planning Commissioners expressed several items of concern 1) the conformance of the proposed financial use (bank) with the goals and policies of the General Plan; 2) the proximity of other, competing financial institutions; 3) the loss of an ongoing enterprise, i.e., the existing gas station; and 4) the aesthetics and placement of the proposed building. Following its vote, the Planning Commission directed that a resolution be drafted memorializing the reasons for its denial.

OTHER ITEMS:

Legal Notification

The legal notice of this hearing was posted at the City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **November 26, 2014**, with affidavits of posting on file. The legal notice of this hearing was mailed to property owners within a 300 feet radius and current tenants of the property concerned on **November 26, 2014**.

Environmental Assessment

The denial of this project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines § 15270.

ALTERNATIVE COMMISSION CONSIDERATIONS:

None recommended.

FISCAL IMPACT:

No fiscal impact.

Respectfully submitted,



Michael A. Huntley
Community and Economic
Development Director

Prepared by:



Harald Luna
Assistant Planner

Reviewed by:



Karl H. Berger
Assistant City Attorney

Attachments:

- Exhibit A: Draft resolution
- Exhibit B: Planning Commission Staff Report, dated January 27, 2015
- Exhibit C: Planning Commission Staff Report, dated January 13, 2015

EXHIBIT A

Draft Resolution

RESOLUTION NO.

A RESOLUTION DENYING A REQUEST FOR CONDITIONAL USE PERMIT (CU-14-02) TO ALLOW A FINANCIAL USE (BANK) IN CONJUNCTION WITH THE CONSTRUCTION OF A NEW 3,800 SQUARE FOOT COMMERCIAL BUILDING AT 780 WEST GARVEY AVENUE.

The Planning Commission of the City of Monterey Park does resolve as follows:

SECTION 1: The Planning Commission finds and declares that:

- A. On April 29, 2014, Tim Saivar, on behalf of the property owner, Dynamic Development Company, LLC, submitted an application pursuant to Monterey Park Municipal Code ("MPMC") §§ 21.10.230 and 21.30.020 requesting approval of Conditional Use Permit (CU-14-02) to permit a financial use (bank) in conjunction with the construction of a new 3,800 square foot commercial building at 780 West Garvey Avenue ("Project");
- B. The proposed Project was reviewed by the Community and Economic Development Department for, in part, consistency with the General Plan and conformity with the Monterey Park Municipal Code ("MPMC");
- C. In addition, the City reviewed the Project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines");
- D. The Community and Economic Development Department completed its review and scheduled a public hearing regarding the proposed Project, before the Planning Commission for January 13, 2015; notice of public hearing on such proposed Project was posted and mailed as required by the MPMC;
- E. On January 13, 2015, the Planning Commission held a public hearing at which time all interested parties given an opportunity to be heard and present evidence. Given the concerns raised by the members of the community with the concentration of financial uses (banks), view impairment, and health risk concerns with the remediation of the site, the Planning Commission continued the public hearing to the meeting of January 27, 2015 to allow the applicant additional time to address the concerns raised by the Planning Commission and the public;
- F. On January 27, 2015, the Planning Commission held a public hearing to receive public testimony and other evidence regarding the proposed Project, including, without limitation, information provided to the Planning

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RESOLUTION NO.
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Commission by City staff, public, and the applicant Dynamic Development Company, LLC, to address the concerns raised by the Planning Commission and the public. The applicant provided additional reports for the remediation of the site a revised site plan showing the proposed location for the remediation of soils equipment and a photo simulation of the proposed building. The Planning Commission voted to deny the application and directed staff to draft a resolution memorializing the Planning Commission's findings;

- G. On February 10, 2015, the Planning Commission reconvened a public meeting to consider a Resolution denying the requested Conditional Use Permit (CU-14-02) to allow a financial use (bank) in conjunction with the construction of a new 3,800 square foot commercial building; and
- H. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its January 13, 2015 meeting and its January 27, 2015 hearing including, without limitation, the record from the January 13, 2015 and January 27, 2015 meetings and the staff report submitted by the Community and Economic Development Department.

SECTION 2: *Factual Findings and Conclusions.* The Planning Commission finds that the following facts exist and makes the following conclusions:

- A. The Applicant seeks to establish a financial use (bank) in conjunction with the construction of a new single-story, 3,800 square foot commercial building;
- B. The site address is 780 West Garvey Avenue. It is zoned R-S, P-D (Regional Specialty Center, Planned Development) and designated Commercial (C) in the General Plan;
- C. The subject site is located on the south east corner of West Garvey Avenue and South Atlantic Boulevard. To the north, east, west and south of the subject property are commercial uses; and
- D. The subject site is 20,565 square feet (0.47 acres) in area and is currently developed with a one-story, gasoline service station comprised of a 1,101 square foot one-story convenience mart with an attached auto service bay area and two canopies with 8 fueling station pumps.

SECTION 3: *Environmental Assessment.* Denying this project is exempt from additional

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RESOLUTION NO.
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environmental review pursuant to CEQA Guidelines § 15270.

SECTION 4: Conditional Use Permit Findings. Pursuant to MPMC §§ 21.10.030 and 21.32.020, the Planning Commission finds that the project is inconsistent with the General Plan and MPMC as follows:

- A. The subject property has a General Plan Land Use designation of Commercial and is within the North Atlantic Focus Area. The subject property is zoned Regional Specialty Center (C-S) and located in the Planned Development Overlay district. The Commercial land use designation permits a variety of retail, service commercial and professional uses intended to meet the needs of Monterey Park residents and businesses, as well as regional shopping demand. The proposed project does not promote the General Plan's goals and policies for encouraging retail shops and professional uses.
- B. Goal 3.0 of the General Plan is to establish the North Atlantic area as a focus area for diverse retail, entertainment and hospitality development. The project would add another financial institution to an area of the City that has a high concentration of such uses. Specifically, there are already four financial institutions within a block of the proposed bank building. Allowing a fifth bank in this focus area along North Atlantic Boulevard will eliminate another property that would be better suited for specialty retail, entertainment or hospitality uses.
- C. Similarly, if approved, the project would be constructed in close proximity to another financial institution located within walking distance. An overconcentration of financial institutions at and near the proposed project site does not meet the General Plan's goals and policies.
- D. The proposed siting and height of the financial institute upon the property would impede view from neighboring, established, businesses and would thus constitute a detriment to public health, safety, and welfare.
- E. Removing the existing use from the property is not in the public interest since such action would deny the public an important, and convenient, transportation related service.

SECTION 5: Determination. Based on the findings set forth in Section 4, the Planning Commission denies Conditional Use Permit (CU-14-02).

SECTION 6: Reliance on Record. Each and every one of the findings and

**PLANNING COMMISSION
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determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 7: *Limitations.* The Planning Commission's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the Planning Commission's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the City's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 8: *Summaries of Information.* All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 9: This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 10: A copy of this Resolution will be mailed to the applicant, Tim Saivar, on behalf of, Dynamic Development Company, LLC and to any other person requesting a copy.

SECTION 11: This Resolution may be appealed within nineteen (19) calendar days after its adoption. All appeals must be in writing and filed with the City Clerk within this time period. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

SECTION 12: Except as provided in Section 9, this Resolution is the Planning Commission's final decision and will become effective immediately upon adoption.

ADOPTED AND APPROVED this 10th day of February 2015.

Larry Sullivan, Chairperson

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RESOLUTION NO.
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I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 10th day of February 2015, by the following vote of the Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

Michael A. Huntley, Secretary

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By: 

Karl H. Berger,
Assistant City Attorney

EXHIBIT B

Planning Commission Staff Report, dated January 27, 2015



Planning Commission Staff Report

DATE: January 27, 2015

AGENDA ITEM NO: 1-A

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: A Public Hearing to consider a Conditional Use Permit (CU-14-02) to allow a financial use (bank) in conjunction with the construction of a new 3,800 square foot commercial building – 780 West Garvey Avenue.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Open a public hearing (this matter was continued from January 13, 2015 in order to conduct a public hearing);
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the attached Resolution approving the requested Conditional Use Permit (CU-14-02) subject to conditions of approval contained therein; and
- (5) Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The applicant, Tim Saivar, is requesting approval of a Conditional Use Permit to allow a financial use (bank) in conjunction with the construction of a new one-story, 3,800 square foot commercial building at 780 West Garvey Avenue. The property is located at the southeast corner of West Garvey Avenue and North Atlantic Boulevard. The property is zoned R-S, (P-D) (Regional Specialty Center, Planned Development) zone and is designated C (Commercial) in the General Plan.

The property is 20,565 square feet (0.47 acre) in size and is surrounded by commercially zoned lots to the north, east, south and west. The site is currently developed with a gasoline service station comprised of a 1,101 square foot one-story convenience mart with an attached auto service bay area and two canopies with 8 fueling pumps. The property is accessible from four driveways, including two driveways on Atlantic Boulevard and two driveways on Garvey Avenue. The building is currently placed towards the center of the property with parking and related landscaping in the rear. The applicant is proposing to demolish all the structures on the lot and abandoning two driveways closest to the intersection and relocating one driveway on Atlantic Boulevard.

Based on an environmental report prepared by Leymaster Environment Consulting, LLC,

the project site has been in use as a gasoline station since 1949 and is currently occupied by a Valero service station. The Baseline Site Assessment indicates that the underground soils have gasoline contamination from the underground storage tanks. According to the report, the Regional Water Quality Control Board Los Angeles Region (RWQCB) is the lead agency for the oversight of the cleanup to the site and Chevron is the responsible party for the cleanup of the site. Cleanup includes removing all underground storage tanks (USTs) and piping from the site. According to the Leymaster Environmental Report, the remediation of the soils for removing gasoline contamination from subsurface soils would be to install a soil vapor extraction (SVE) system that would consist of a number of vapor-extraction wells. Conditions of approval are included for the remediation of the soils within the property.

Analysis and Response to Commission Comments:

This item was previously brought before the Planning Commission at the meeting of January 13, 2015. At the meeting, the Commission took no official action and the item was continued for two weeks. At the meeting, there were two items of concern and requested staff to bring back further information including 1) providing information for the time frame to complete the remediation of the soils on the site and the ability to occupy the building during the soils remediation; and 2) the conformance of the proposed financial bank use with the objectives of the General Plan. The requested information is provided in this staff report.

Remediation of Site

Since the meeting, the applicant has provided information for the timing of the soils remediation of the site, the building occupancy during remediation and a site plan that illustrates the location of the remediation equipment. On January 20, 2015, staff received a letter dated January 19, 2015, from the applicant that was prepared by Leymaster Environmental Consulting, LLC, which explains the underground storage tank removal and the potential remediation process (Exhibit C). Based on the information that was provided, a permit to remove the underground storage tanks will be issued by the Los Department of Public Works. After the tanks are removed (which can take several weeks) soil samples are collected and analyzed. Following the collection of the soil samples a report for the underground storage tanks removal is submitted to the Department of Public Works within two to six weeks then the report is forwarded to the Los Angeles Regional Water Quality Control Board with analytical data stating that the site has been impacted by the underground storage tanks. The Regional Water Quality Control Board will then issue a letter that a work plan is required for further investigation which can take up to two months to issue the letter. A work plan would then be prepared and submitted within two months to the Regional Water Control Board for review and approval which may take up two months. Further investigations will then take place at the site to determine the extent of the contamination and a report will have to be submitted to the Regional Water Quality Control Board within one to three months to indicate if further investigation is necessary, or if a remedial action plan to remediate the site will be required, or no further investigation will be required. Furthermore, the timing of the remediation may vary depending on the extent of the contamination.

According to the Leymaster Environmental Report, building occupancy during remediation (Exhibit D) will be overseen by either one of the following three governmental environmental agencies if there is a potential for vapor intrusion for the proposed commercial building the soil vapor remediation: Los Angeles Regional Water Quality Control Board(RWQCB), the Department of Toxic Substances Control (DTSC), and the Los Angeles County Fire Department-Site Mitigation Unit (LACFD-SMU) to make sure there is no health risk to the building occupants from soil contamination or potential vapor intrusion. Furthermore, the future occupant Wells Fargo submitted a letter (Exhibit E) that acknowledges that there will be a soil vapor extraction remediation system in operation during the occupancy of the building.

Remediation Equipment Location

The Planning Division requested that the applicant expand on the analysis of the location for the placement of the remediation equipment and vent pipes for the remediation process. According to the site plan (Exhibit F), the location for the remediation equipment has been established. The location of the thermal oxidizer along with the vent pipes will be placed on the south east corner of the site within an approximately 288 square foot enclosure. The remediation equipment enclosure will be screened by 6 foot high decorative split face block walls and landscaping to minimize visual impact issues from public rights-of-way of the remediation equipment.

Conformance with the General Plan

The commercial (bank) building will have a total of 6-10 employees. The proposed financial bank use will provide new employment opportunities which will accommodate a wide range of occupational skills and salary levels located convenient to surrounding commercial uses and areas of most need. The request will accommodate the redevelopment of an existing site with a financial (bank) building that will serve the needs of local residents and visitors to the City by providing additional commercial serving opportunities.

OTHER ITEMS:

Legal Notification

The legal notice of this hearing was posted at the City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **November 26, 2014**, with affidavits of posting on file. The legal notice of this hearing was mailed to property owners within a 300 feet radius and current tenants of the property concerned on **November 26, 2014**.

Environmental Assessment

This project was determined to be a Class 3 (New Construction or Conversion of Small Structures) Categorical Exemption pursuant to CEQA Guidelines § 15303 (c) and Class 32 (In-fill Development Projects) Categorical Exemption pursuant to CEQA Guidelines § 15332.

ALTERNATIVE COMMISSION CONSIDERATIONS:

None recommended.

FISCAL IMPACT:

Replacing the existing use with the proposed use is likely to result in a change to sales tax revenue for the City. However, the precise impact of such change is speculative.

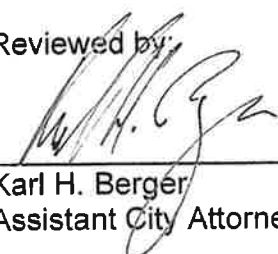
Respectfully submitted,

Michael A. Huntley
Community and Economic
Development Director

Prepared by:

Harald Luna
Assistant Planner

Reviewed by:



Karl H. Berger
Assistant City Attorney

Attachments:

- Exhibit A: Planning Commission Staff Report, dated January 13, 2015
- Exhibit B: Draft Resolution
- Exhibit C: Copy of letter for the UST Removal and Remediation Process dated January 19, 2015 prepared by Leymaster Environmental Consulting, LLC
- Exhibit D: Copy of letter for Building Occupancy during Remediation for Chevron Service Station No. 9-1629 dated January 19, 2015 prepared by Leymaster Environmental Consulting, LLC
- Exhibit E: Copy of letter from Wells Fargo Bank dated January 21, 2015.
- Exhibit F: Site, floor, and elevation plans

EXHIBIT C

Planning Commission Staff Report, dated January 13, 2015



Planning Commission Staff Report

DATE: January 13, 2015

AGENDA ITEM NO: 1-A

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: A Public Hearing to consider a Conditional Use Permit (CUP-14-02) to allow a financial use (bank) in conjunction with the construction of a new 3,800 square foot commercial building – 780 West Garvey Avenue.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution approving the requested Conditional Use Permit (CUP-14-02) subject to conditions of approval contained therein; and
- (5) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The applicant, Tim Saivar, is requesting approval of a Conditional Use Permit to allow a financial use (bank) in conjunction with the construction of a new one-story, 3,800 square foot commercial building at 780 West Garvey Avenue. The subject property is located at the southeast corner of West Garvey Avenue and North Atlantic Boulevard. The property is zoned R-S, (P-D) (Regional Specialty Center, Planned Development) zone and is designated C (Commercial) in the General Plan.

This item was canceled from the Planning Commission meetings of December 9th and December 23rd, 2014 to allow staff additional time to conduct further research for the project.

PROPERTY DESCRIPTION:

The subject property is 20,565 square feet (0.47 acre) in size and is surrounded by commercially zoned lots to the north, east, south and west. The subject site is currently developed with a gasoline service station comprised of a 1,101 square foot one-story convenience mart with an attached auto service bay area and two canopies with 8 fueling pumps. The property is accessible from four driveways, including two driveways on Atlantic Boulevard and two driveways on Garvey Avenue. The building is currently

placed towards the center of the property with parking and related landscaping in the rear. The applicant is proposing to demolish all the structures on the lot and abandoning two driveways closest to the intersection and relocating one driveway on Atlantic Boulevard.

PROJECT DESCRIPTION:

The proposed improvements will include the construction of a single-tenant, one-story, 3,800 square foot financial bank building on the northwest portion of the property with its related parking towards the south and east of the property and required landscaping.

The proposed floor plan includes an electrical room, a men's and women's restroom located on the southern most area of the building, and an ATM room located towards the northeast area of the building. There will be two walk-up ATM machines located on the east elevation. The primary access to the building will be from a set of double doors located on the northwest corner of the building. A secondary set of doors will be provided on the east elevation towards the southeast corner of the building.

According to the R-S zone, lots more than 20,000 square feet and less than 30,000 square feet are permitted a maximum floor area ratio of 65 percent of the lot area. In this case, the maximum permitted is 13,338 square feet, which is greater than the proposed 3,800 square foot financial bank building. The maximum building height permitted in the R-S zone is 50 feet or 4 stories and the proposed building is one-story with a total height of 25 feet.

Based on an environmental report prepared by Leymaster Environment Consulting, LLC, the project site has been in use as a gasoline station since 1949 and is currently occupied by a Valero service station. The Baseline Site Assessment indicates that the underground soils have gasoline contamination from the underground storage tanks. According to the report the Regional Water Quality Control Board, Los Angeles Region (RWQCB) is the lead agency for the oversight of the cleanup to the site and Chevron is the responsible party for the cleanup of the site, which include the removing of all the underground storage tanks (USTs) and piping from the site. According to the Leymaster Environmental Report the remediation of the soils for removing gasoline contamination from subsurface soils would be to install a soil vapor extraction (SVE) system that would consist of a number of vapor-extraction wells. A condition of approval has been included for the remediation of the soils within the subject property.

Parking

The required number of off-street parking spaces is based on the square footage of the building's floor area and the proposed use. According to MPMC § 21.22.120, a bank/financial institution (retail) use requires 5 parking spaces per 1,000 square feet. The proposed financial bank building requires a total of 19 off-street parking spaces, and the applicant is providing a total of 34 parking spaces which exceeds the off-street parking requirement. Access to the site will be provided via a new 26-foot wide two-way

drive approach located on Atlantic Boulevard and an existing 38 foot wide two way drive approach locate on Garvey Avenue.

Traffic Study

A traffic impact analysis was prepared by Kunzman Associates, Inc. as required per the Public Works Department for the proposed development of the 3,800 square foot commercial building. The Traffic Study analyzed the intersections and on-site and off-site circulation. According to the Findings and Recommendations included in Chapter 1 of the Traffic Study, the project is not anticipated to have significant impacts at any of the intersections located within the study areas including Atlantic Boulevard and Garvey Avenue. According to the Traffic Analysis the proposed bank is projected to generate approximately 563 daily vehicle trips, 47 trips during the morning peak hour and 98 trips during the evening peak hour. The existing gasoline service station with convenience market currently generates approximately 1,302 daily vehicle trips, 82 trips during the morning peak hour and 108 trips during the evening peak hour. The net trip generation is projected to be approximately 739 fewer daily vehicle trips, 35 fewer trips during the morning peak hour and 10 fewer trips during the evening peak hour. The study area intersections are projected to operate at acceptable levels of service during the peak hours for Existing Plus Project, Existing Plus Ambient Growth and Existing Plus Ambient Growth Plus Project traffic conditions. With regards to on-site and off-site circulation, the parking lot will provide adequate turning radii and clearance for emergency vehicle access. Also, the project will provide ingress and egress via two access driveways, including a driveway on West Garvey Avenue and South Atlantic Boulevard. The two access driveways on West Garvey Avenue and South Atlantic Boulevard will be restricted to right-in and right-out only. Based on the traffic impact analysis findings, which has been reviewed by the Public Works Department, the proposed project will not result in a significant impact as defined by the City of Monterey Park at any study area intersections. Therefore, no mitigation is required.

Pursuant to the conclusions in Chapter 9 of the Traffic Study, the recommended roadway improvements are as follows: On-site and existing driveway closures at the site will be required in conjunction with the proposed development to ensure adequate circulation within the project itself. Sight distance at the project accesses must comply with the standard California Department of Transportation and MPMC sight distance standards. The final grading, landscaping, and street improvement plans shall demonstrate that the sight distance standards are met. Such plans must be reviewed by the City and approved as consistent with this measure before it issues grading permits. On site traffic signing and striping should be implemented in conjunction with detailed construction plans for the project. As is the case for any roadway design, the City should periodically review traffic operations in the vicinity of the project once the project is constructed to assure that the traffic operations are satisfactory.

Landscaping

West Garvey Avenue

Along West Garvey Avenue, the building will be setback 9 feet 9 inches from the north property line to provide a 15 feet wide pedestrian area on West Garvey Avenue, per MPMC § 21.14.090. The pedestrian area includes private and public property (i.e., parkway, sidewalk, and landscaped areas). The purpose of the pedestrian area is to create a pedestrian-friendly environment by providing amenities like landscaping, street furniture, and signage. Within the 9 feet 9 inch setback area there will be a 6 foot 10 inch wide landscape planter that will be planted with a combination of shrubs and groundcover.

South Atlantic Boulevard

At South Atlantic Boulevard, the building will be setback 3 feet from the west property line after a 4 foot wide dedication to provide a 12 foot pedestrian area on South Atlantic Boulevard. The pedestrian area after the dedication will include public property (i.e., sidewalk, and landscape areas).

The parking spaces provided at the south portion of the lot will be setback approximately from 3 feet 10 inches to 7 feet 6 inches from the west property line and approximately 17 feet from South Atlantic Boulevard. The parking spaces provided on the north portion of the lot will be setback approximately from 17 feet 8 inches to 32 feet 8 inches and approximately 24 feet from West Garvey. A condition of approval has been included to provide a 3 foot high natural hedge to shield the parking areas adjacent to the public right-of-ways, subject to the review and approval of the Planner.

Throughout Parking Area

According to the landscape plan, the main proposed landscape area is located along four boundaries of the lot, and distributed in the surface parking area. According to MPMC § 21.22.270, a parking lot area with more than five spaces requires at least 10 percent of the parking area to be landscaped, so the minimum landscape area for this lot is 1,177 square feet and 2,705 square feet will be provided. The proposed landscape area within 10 feet perimeter of the parking area will be 1,922 square feet in size, which is more than 60 percent of the total landscape area. The proposed landscape area outside of the 10 foot perimeter of the parking area will be 783 square feet, which is 66 percent of the parking area. According to MPMC § 21.22.270, more than 60 percent of the total landscape area should be located within 10 feet perimeter of the parking area. Clearly portrayed location, coverage and specifications of the permanent automatic irrigation system must be included in the plan according to MPMC § 21.22.270.

Planned Development Overlay

The P-D Overlay District is intended to provide design flexibility in achieving the purpose and intent of other base zoning districts with which it is combined per MPMC § 21.14.020. Application of the P-D Overlay District is intended to assist in achieving

consistency with the policy and intent of the General Plan by allowing flexibility in site design where superior quality attainment can be enhanced by such flexibility.

The proposed project is appropriate for the subject property because the project fulfills the objectives of the General Plan and is designed according to the regulations required by the P-D Overlay Zone. The project site is .47 of an acre and is adequate in size for the proposed project. The project will have a modern building designed and the building will be articulated and setback so it will not overwhelm adjacent properties. Additionally, the project must provide an off-site improvement, including a 4 foot wide dedication on South Atlantic Boulevard.

The building will be compatible with developments in the general area. The project is designed according to the standards required by the P-D Overlay Zone. The proposed building will be 25 feet tall, which is less than the maximum height permitted in the P-D Overlay Zone. According to MPMC § 21.14.090(B), the building height cannot exceed 40 feet within 20 feet of the pedestrian realm along Garvey Avenue and Atlantic Boulevard. The building mass will be articulated with architectural elements, such as awnings, wall off-sets, and recessed windows and entries.

The proposed building and its use comply with the General Plan. The subject property is designated Mixed-Use I (MU-I) in the General Plan. One of the goals of the General Plan (Goal 3.0) is to establish the North Atlantic area as a focal point for diverse retail, entertainment, and hospitality development. The proposed project will be a retail development use.

OTHER ITEMS:

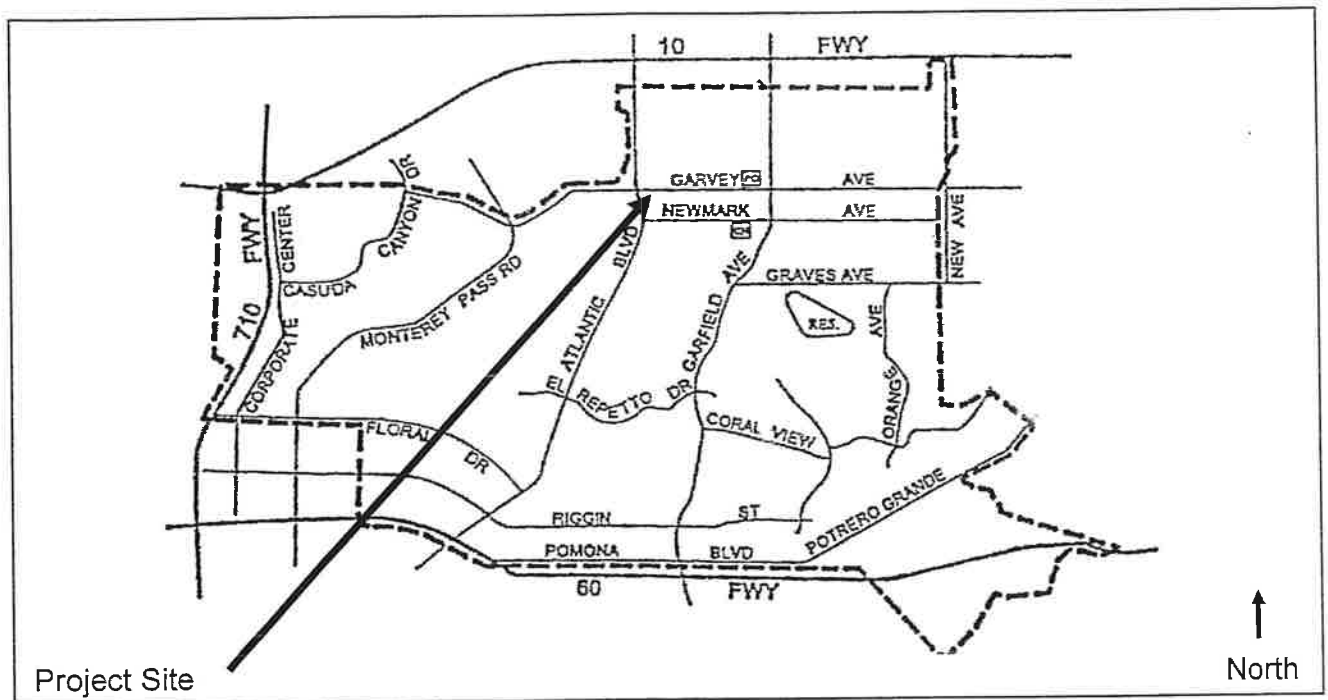
Legal Notification

The legal notice of this hearing was posted at the City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **November 26, 2014**, with affidavits of posting on file. The legal notice of this hearing was mailed to property owners within a 300 feet radius and current tenants of the property concerned on **November 26, 2014**.

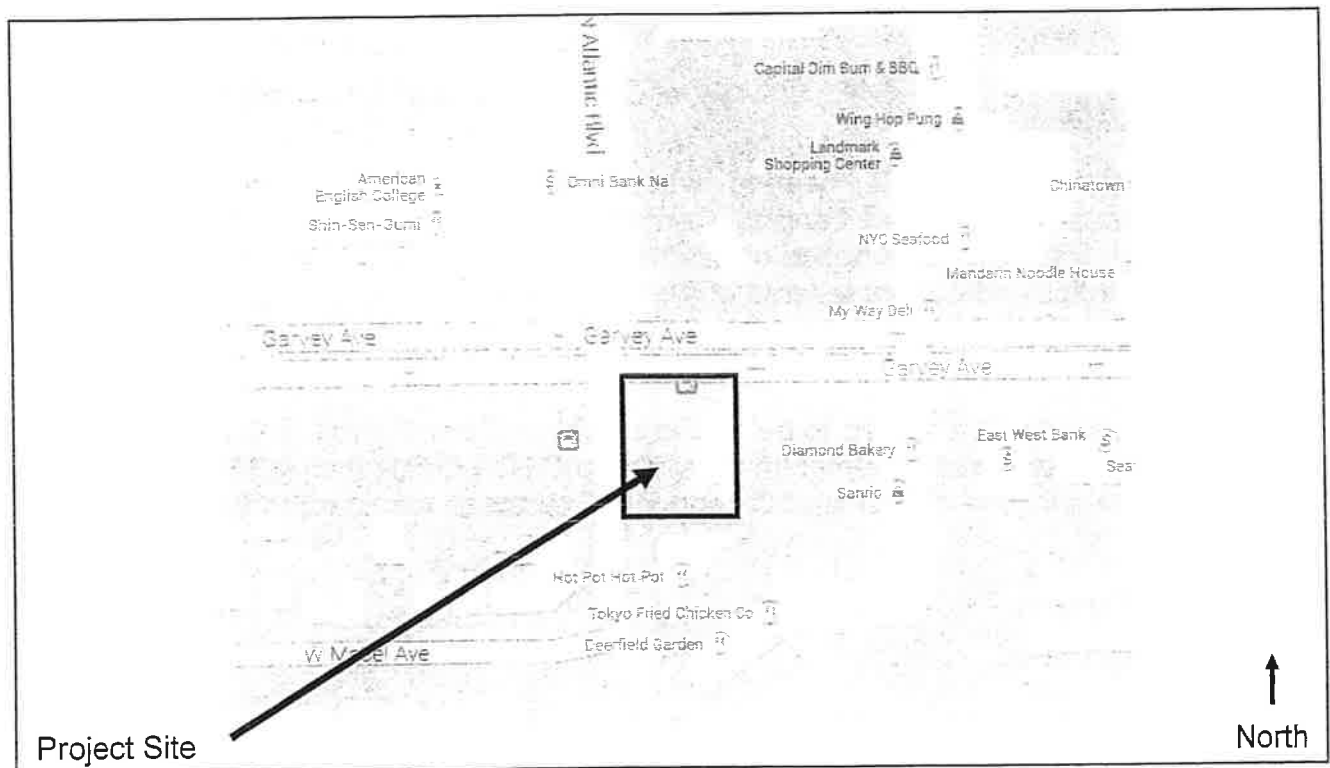
Environmental Assessment

This project was determined to be a Class 3 (New Construction or Conversion of Small Structures) Categorical Exemption pursuant to CEQA Guidelines § 15303 (c) and Class 32 (In-fill Development Projects) Categorical Exemption pursuant to CEQA Guidelines § 15332.

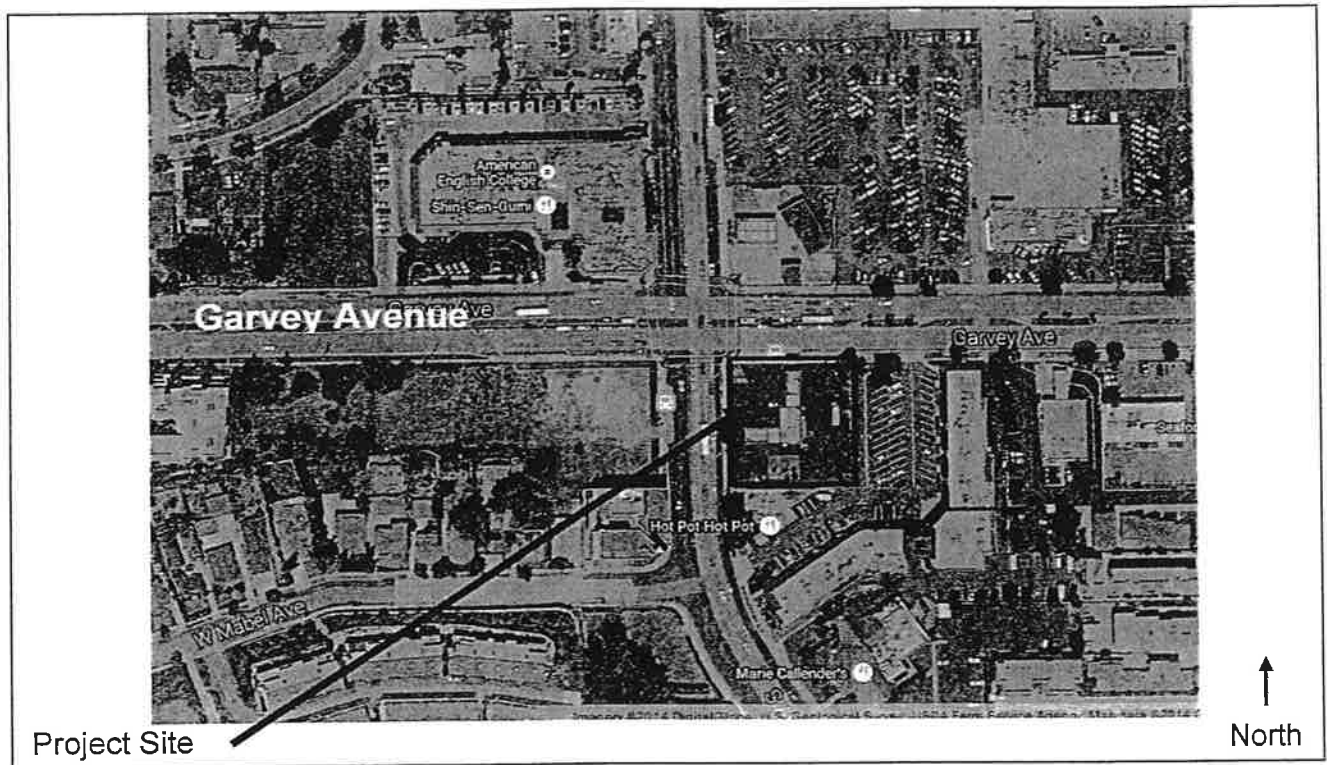
Vicinity Map



Street Map



Aerial Map



ALTERNATIVE COMMISSION CONSIDERATIONS:

None.

FISCAL IMPACT:

No fiscal impacts.

Respectfully submitted,

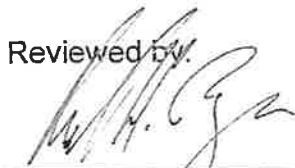

Michael A. Huntley
Community and Economic
Development Director

Prepared by:



Harald Luna
Assistant Planner

Reviewed by:



Karl H. Berger
Assistant City Attorney

Attachments:

- Exhibit A: Draft Resolution
- Exhibit B: Site and floor plans



Planning Commission Staff Report

DATE: February 10, 2015

AGENDA ITEM NO: 2-A

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: A Public Hearing to Consider a Conditional Use Permit (CUP-14-07) to permit on-sale beer and wine in conjunction with an existing bona fide retail eating establishment – 220 South Garfield Avenue.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution approving the requested Conditional Use Permit (CUP-14-07) subject to conditions of approval contained therein; and
- (5) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The applicant, Guanming Gao, is requesting approval of a Conditional Use Permit to allow on-sale beer and wine (Type 41) in conjunction with an existing retail eating establishment (Charcoal BBQ) at 220 South Garfield Avenue. The property is zoned C-B (P-D) (Central Business Commercial, Planned Development) zone and is designated Mixed-Use I (MU-1) in the General Plan.

Property Description

The subject property is located on the east side of South Garfield Avenue and two lots south of East Garvey Avenue. North, south, and west of the subject property are one-story, multi-tenant commercial plazas and to the east are one-story residential dwelling units.

The lot is 77 feet wide and 220.90 feet deep, totaling 17,009 square feet in size and is currently constructed with four detached buildings, including the BBQ restaurant, a hair salon, and two single-family dwelling units. In February 2014, the business owner obtained building permits to remodel the subject building from a liquor store (Duffy's Liquor) to a retail eating establishment. The business has been in operation since September 2014. As part of the remodel in 2014, the business improved the parking area with new asphalt and striping. Based on the square footage of the hair salon, BBQ

restaurant, and two residential dwelling units, a total of 16 parking spaces are required and there are 18 existing parking spaces on the property. The property is accessible from South Garfield Avenue.

According to the floor plan, the subject unit is 1,500 square feet. The dining area is 716 square feet and is comprised of 11 tables. The remaining area includes the kitchen, service area, restrooms, and storage area. The business operating hours are Monday through Sunday, from 7:00 p.m. to 2:00 a.m. The alcohol service hours will also be from 4:30 p.m. to 9:30 p.m. The on-site alcoholic beverages services will complement the restaurant's meals. No separate bar area is shown on the floor plan of the restaurant, nor is any entertainment proposed for the business.

According to the guidelines established by the California Department of Alcoholic Beverage Control (ABC), a total of 2 on-sale licenses are allowed before the census tract reaches the threshold of being defined as having undue concentration in the subject Census Tract No. 4817.14. Based on a population of 1,061 in the census tract, ABC allows 2 on-sale licenses in this census tract; currently there are 15 licensed establishments. New licenses that exceed the threshold are permissible with the adoption of a finding of Public Convenience and Necessity (PCN). Issuing a PCN is contingent upon the Planning Commission granting a conditional use permit ("CUP"). As an eating establishment, ABC assumes this responsibility and no action is required of the City in this regard other than as specified in the Monterey Park Municipal Code ("MPMC"). Based on discussions with ABC, if the CUP is approved by the City, and because this is a bona fide eating establishment, ABC will issue the PCN as a routine matter.

According to MPMC § 21.10.230(G), there are no distance requirements for on-sale alcoholic beverages when sold in conjunction with a bona fide retail eating establishment. However, on-site sale uses must comply with the list of requirements specified in the MPMC § 21.10.230(C). Some of the requirements include limiting the exterior lighting of the parking area to intensities between one and two foot-candles so as to provide adequate lighting for patrons while not disturbing surrounding residential or commercial areas and special security measures, such as security guards and alarm systems. Staff conducted a site inspection and found that the subject property has adequate exterior lighting attached to the front of the building walls and parking lot area. The existing exterior lights provide adequate lighting without disturbing the adjacent properties.

The Police Department included condition numbers 23 through 31 in the Resolution to address security and alarm requirements. The Police Department will monitor the subject property relative to safety items such as hours of operation, whether complaints are received, and alcohol must be served along with food only.

This application is for a Type 41 on-sale license for the serving of beer and wine in conjunction with a bona fide public eating place. The applicant has clearly stated that it does not wish to provide entertainment uses. However, if a request were to be

submitted at any future date, the applicant would have to request a modification to the CUP.

OTHER ITEMS:

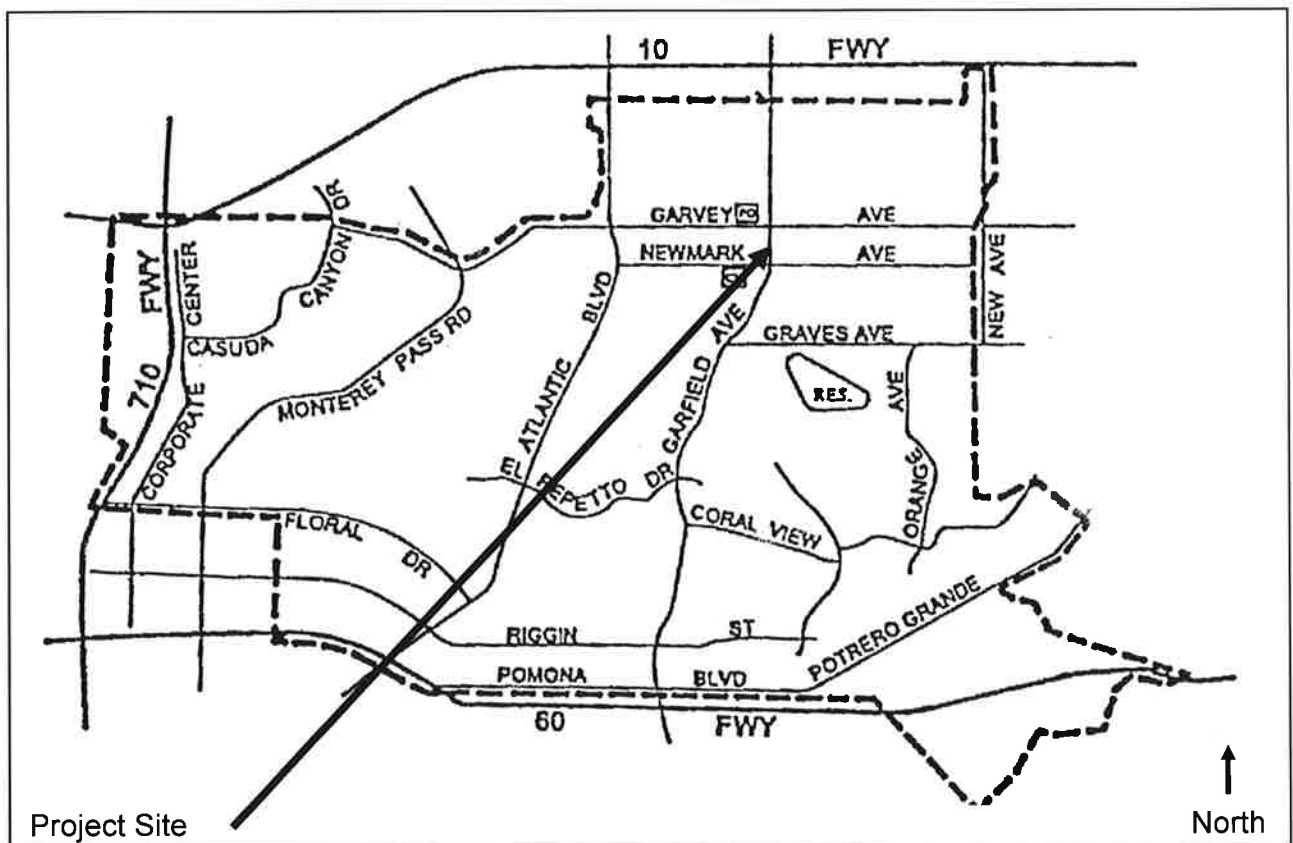
Legal Notification

The legal notice of this hearing was posted at the subject site, City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **January 29, 2015**, with affidavits of posting on file. The legal notice of this hearing was mailed to **56** property owners within a 300 feet radius and current tenants of the property concerned on **January 29, 2015**.

Environmental Assessment

This project was determined to be a Class 1 (Existing Facilities) Categorical Exemption pursuant to CEQA Guidelines § 15301.

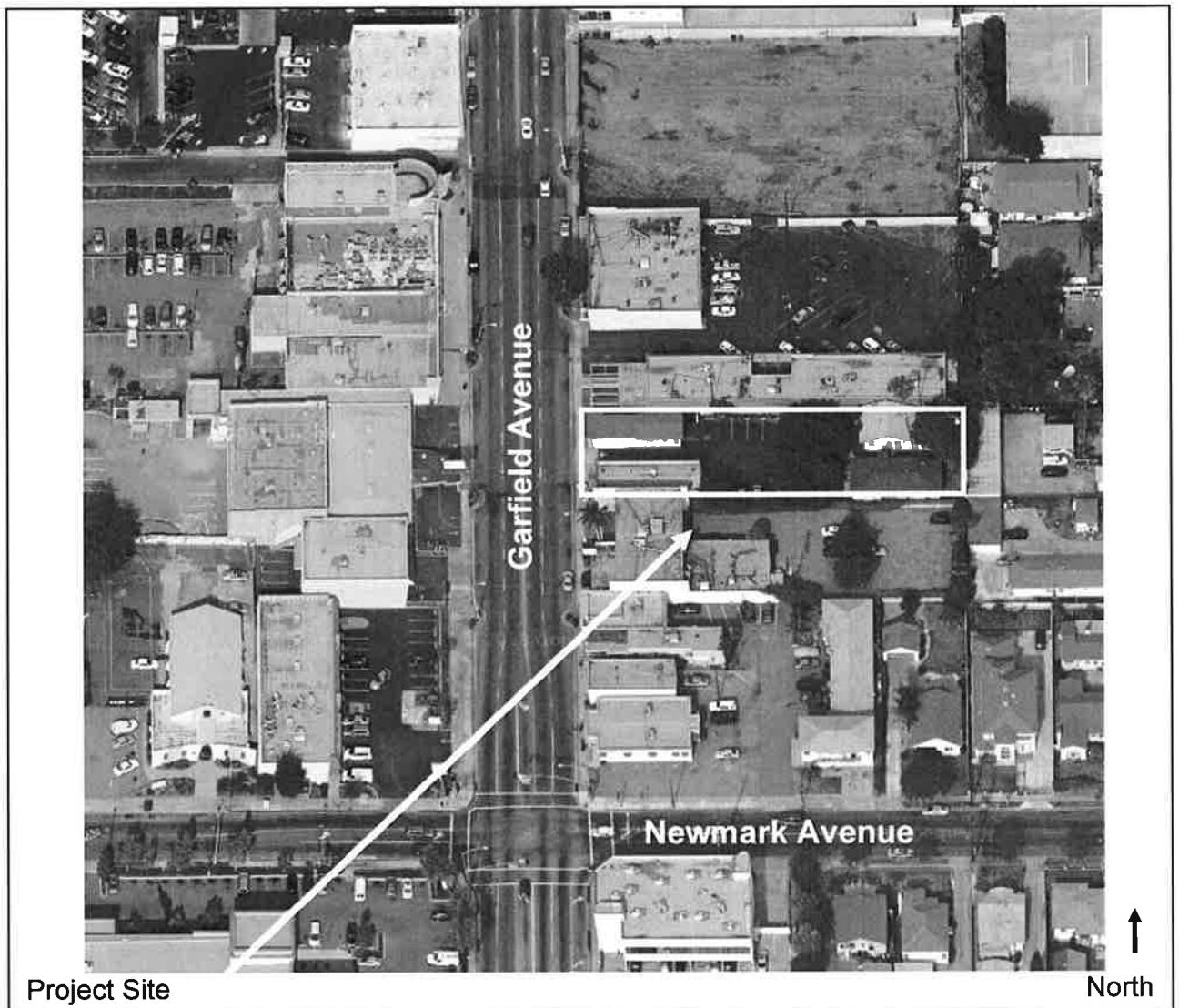
Vicinity Map



Street Map



Aerial Map



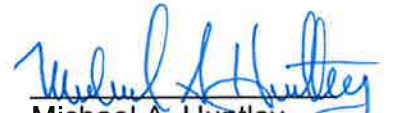
ALTERNATIVE COMMISSION CONSIDERATIONS:

None.

FISCAL IMPACT:

There may be an increase in sales tax revenue and business license tax revenue. Calculations of the exact amount would be speculative.

Respectfully submitted,


Michael A. Huntley
Community and Economic
Development Director

Prepared by:


Samantha Tewasart
Senior Planner

Reviewed by:


Karl H. Berger
Assistant City Attorney

Attachments:

- Exhibit A: Draft Resolution
- Exhibit B: Site and floor plans

EXHIBIT A

Draft Resolution

RESOLUTION NO.

A RESOLUTION APPROVING CONDITIONAL USE PERMIT (CUP-14-07) TO PERMIT ON-SALE ALCOHOLIC BEVERAGES (BEER AND WINE) IN CONJUNCTION WITH A BONA FIDE PUBLIC EATING ESTABLISHMENT AT 220 SOUTH GARFIELD AVENUE.

The Planning Commission of the City of Monterey Park does resolve as follows:

SECTION 1: The Planning Commission finds and declares that:

- A. On December 17, 2014, Guanming Gao, submitted an application, pursuant to Monterey Park Municipal Code ("MPMC") §§ 21.10.230 and 21.30.020, requesting approval of Conditional Use Permit (CUP-14-07) to permit on-sale alcoholic beverages (beer and wine) in conjunction with a bona fide public eating establishment (Charcoal BBQ) at 220 South Garfield Avenue ("Project");
- B. The proposed Project was reviewed by the City of Monterey Park Community and Economic Development Department for, in part, consistency with the General Plan and conformity with the Monterey Park Municipal Code ("MPMC");
- C. In addition, the City reviewed the Project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines");
- D. The Community and Economic Development Department completed its review and scheduled a public hearing regarding the Project before the Planning Commission for February 10, 2015. Notice of the public hearing was posted and mailed as required by the MPMC;
- E. On February 10, 2015, the Planning Commission held a public hearing to receive public testimony and other evidence regarding the proposed Project, including, without limitation, information provided to the Planning Commission by City staff and public testimony, and representatives of Guanming Gao; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its February 10, 2015 hearing including, without limitation, the staff report submitted by the Community and Economic Development Department.

SECTION 2: *Factual Findings and Conclusions.* The Planning Commission finds that the following facts exist and makes the following conclusions:

- A. The Applicant seeks to serve beer and wine in conjunction with an existing retail eating establishment;
- B. 220 South Garfield Avenue is zoned C-B, (P-D) (Central Business Commercial, Planned Development) and designated MU-I (Mixed-Use I) in the General Plan;

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RESOLUTION NO.
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- C. The subject property is located on the east side of North Garfield Avenue and two lots south of East Garvey Avenue. North, south, and west of the subject property are one-story, multi-tenant commercial plazas and to the east are one-story residential dwelling units; and
- D. The lot is 77 feet wide and 220.90 feet deep, totaling 17,009 square feet in size and is currently constructed with four detached buildings, including the BBQ restaurant, a hair salon, and two single-family dwelling units. Based on the square footage of the hair salon, BBQ restaurant, and two residential dwelling units, a total of 16 parking spaces are required and there are 18 existing parking spaces on the property. The property is accessible from South Garfield Avenue. No changes are proposed to the existing layout as part of the proposed use. Furthermore, staff conducted a site inspection and found that the subject property has adequate exterior lighting attached to the front building walls and the parking lot area.

SECTION 3: *Environmental Assessment.* Because of the facts identified in Section 2 of this Resolution, the Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15301 (Existing Facilities).

SECTION 4: *Conditional Use Permit Findings.* Pursuant to MPMC §§ 21.10.030 (B) and 21.32.020, the Planning Commission finds as follows:

1. That the proposed use complies with all requirements as set forth for the issuance of a conditional use permit.

The proposed use complies with all requirements for the issuance of the conditional use permit. First, the site is adequate in size, shape and topography for the proposed use because the proposed use is the addition of beer and wine sales to an existing restaurant. No changes are proposed to the site. Second, the site has sufficient access to streets and highways, adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use. The proposed use is not expected to significantly increase traffic. Third, the proposed use is consistent with the General Plan and conforms to objectives of the General Plan and the Monterey Park Municipal Code zoning regulations. The subject property is designated Commercial in the General Plan. The Commercial land use category provides opportunities for a broad range of retail and service commercial and professional office uses intended to meet the needs of Monterey Park residents and businesses, as well as, regional shopping demand. The proposed use is the addition of beer and wine sales to accompany meals at an existing retail eating establishment. On-sale alcoholic beverage sales are permitted in the C-B, P-D (Central Business Commercial, Planned Development) Zone with Conditional Use Permit approval. Fourth, the proposed use, as conditioned, will not have an adverse effect on the use, enjoyment or valuation of property in the neighborhood as required security measures will minimize the potential for any negative impacts. Lastly, the proposed use will not have an adverse effect on the public

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health, safety, and general welfare because security measures and the limited size of the use will limit any potential adverse effects to neighboring properties.

2. That the proposed use will not present problems, including, but not limited to, loitering, obstruction of pedestrian traffic, vehicular traffic, parking, crime interference with children on their way to school, interference with shoppers using streets, defacement and damage to structures.

The proposed use is the addition of on-sale beer and wine in conjunction with an existing restaurant. The property is currently constructed with four detached buildings, including the BBQ restaurant, a hair salon, and two single-family dwelling units. On-sale of alcoholic beverage uses is permitted with a conditional use permit.

3. That the proposed use will not lessen the suitability of any nearby commercially-zoned properties for commercial use.

The subject property is zoned C-B, P-D (Central Business Commercial, Planned Development). An eating establishment is a permitted principle use in the C-B Zone. Adjacent properties include R-3 zoned lots to the east, C-B zoned lots to the north, south and west. The suitability of any nearby commercial-zoned properties for commercial use will remain the same.

4. The use does not adversely affect the welfare of area residents or result in undue concentration in the neighborhood of establishments dispensing alcoholic beverages including beer and wine.

The applicant's request to add beer and wine sales (Type 41) for on-site consumption in conjunction with the existing eating establishment will enhance the business and will not adversely affect the welfare of area residents since the addition of beer and wine sales, as mentioned, will be incidental to the primary use. According to the guidelines established by the California Department of Alcoholic Beverage Control (ABC), a total of 2 on-sale licenses are allowed before the census tract reaches the threshold of being defined as having undue concentration in the subject Census Tract No. 4817.14. Based on a population of 1,061 in the census tract, ABC allows 2 on-sale licenses in the tract and currently licenses 15 establishments. New licenses that exceed the threshold are permissible with the adoption of a finding of Public Convenience and Necessity (PCN) which is determined by the Department of ABC.

According to MPMC § 21.10.230(G), there are no distance requirements for on-sale alcoholic beverages when sold in conjunction with a bona fide retail eating establishment. However, on-sale uses must comply with the list of requirements specified in the MPMC § 21.10.230(C). Some of the requirements include limiting the exterior lighting of the parking area to intensities between one and two foot-candles so as to provide adequate lighting for patrons while not disturbing surrounding residential or commercial areas and special security measures, such as security guards and alarm

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alarm systems. The existing exterior lights provide adequate lighting without disturbing the adjacent properties. The Police Department has included conditions numbers 23 through 31 in the Resolution to address security and alarm requirements.

SECTION 5: *Approval.* Subject to the conditions listed on the attached Exhibit "A," which are incorporated into this Resolution by reference, the Planning Commission approves Conditional Use Permit (CUP-14-07).

SECTION 6: *Reliance on Record.* Each and every one of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 7: *Limitations.* The Planning Commission's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the Planning Commission's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the City's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 8: *Summaries of Information.* All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 9: This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 10: A copy of this Resolution will be mailed to Guanming Gao, Charcoal BBQ and to any other person requesting a copy.

SECTION 11: This Resolution may be appealed within nineteen (19) calendar days after its adoption. All appeals must be in writing and filed with the City Clerk within this time period. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

SECTION 12: Except as provided in Section 9, this Resolution is the Planning Commission's final decision and will become effective immediately upon adoption.

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RESOLUTION NO.
PAGE 5 OF 5**

ADOPTED AND APPROVED this 10th day of February 2015.

Chairperson Rodrigo Garcia

I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 10th day of February 2015, by the following vote of the Planning Commission:

AYES:

NOES:

ABSTAIN:

ABSENT:

Michael A. Huntley, Secretary

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By:



Karl H. Berger,
Assistant City Attorney

PLANNING COMMISSION RESOLUTION NO.

Exhibit A

CONDITIONS OF APPROVAL

220 SOUTH GARFIELD AVENUE

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Guanming Gao, agrees that he will comply with the following conditions of approval for Conditional Use Permit (CUP-14-07) ("Project Conditions").

PLANNING:

1. Guanming Gao (the "Applicant"), agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of CUP-14-07 except for such loss or damage arising from the City's sole negligence or willful misconduct. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of CUP-14-07, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Monterey Park's elected officials, appointed officials, officers, and employees.
2. This approval is for the project as shown on the plans reviewed and approved by the Planning Commission and on file. Before the City issues a building permit, the Applicant must submit plans, showing that the project substantially complies with the plans and conditions of approval on file with the Planning and Building and Safety Divisions. Any subsequent modification must be referred to the Director of Community and Economic Development for a determination regarding the need for Planning Commission review and approval of the proposed modification.
3. The conditional use permit expires twelve months after its approval if the use has not commenced or if improvements are required, but construction has not commenced under a valid building permit. A total of a year extension may be granted by the Planning Commission upon finding of good cause. An application requesting an extension must be filed with the Community and Economic Development Department.
4. The property owner is responsible for maintaining the area adjacent to the business location and the site in general, including any parkways and alleys.
5. The property must remain well maintained and free of graffiti. Failure of the applicant/property owner to remove graffiti within 24 hours written notice by the

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City will cause the City to abate the graffiti at the cost of the applicant/property owner.

6. A copy of the Conditions of Approval for Conditional Use Permit (CUP-14-07) must be kept on the premises of the establishment and presented to any authorized City official upon request.
7. The exterior lighting of the parking area must be kept at an intensity of between one and two foot-candles so as to provide adequate lighting for patrons while not disturbing surrounding residential or commercial areas.
8. The applicant/owner of the establishment must comply with all applicable law. The applicant must obtain and maintain a valid Alcoholic Beverage License for On-Sale Beer and Wine – Eating Place. All conditions of the Alcoholic Beverage Control license must be maintained at all times and failure to do so will be grounds for revocation.
9. The service of alcohol is only allowed with the consumption of food.
10. No entertainment uses including, without limitation, karaoke, dancing, or live music, are permitted at this location unless a modification to the Conditional Use Permit is approved for such use.
11. Alcoholic beverages must be served in non-disposable containers and distinguishable from containers used for non-alcoholic beverages.
12. The sale of alcoholic beverages for consumption outside or off the premises must be prohibited. Signs must be posted at all entrances and exits of the premises indicating that the sale of alcoholic beverages for consumption outside or off the premises is prohibited.
13. The restaurant business hours of operation will be seven days a week from 7:00 p.m. to 2:00 a.m.
14. Hours of operations for alcohol service at the hotel must be limited to the hours of 7:00 p.m. to 2:00 a.m. daily.
15. The applicant must obtain and maintain all licenses required by the Alcohol Beverage Control Act (Business & Professions Code §§ 23300, *et seq.*). The applicant must obtain and maintain a Type 41 license.
16. The applicant must post a sign in a clear and conspicuous location listing a phone number at which a responsible party may be contacted during all open hours of the establishment to address any concerns of the community regarding noise at the hotel. Said contact's name and phone number must also be available through hotel staff at all times.

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17. The applicant must, at all times, display a *Designated Driver* sign of at least ten inches by ten inches (10" X 10") at the bar at eye level. The sign must be worded in a way that reminds patrons who are consuming alcohol to designate a *non-drinking driver*.
18. There must be no exterior advertising of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages which are clearly visible to the exterior constitute a violation of this condition.
19. All employees serving alcoholic beverages to patrons must enroll in and complete a certified training program approved by the State Department of Alcoholic Beverages Control (ABC) for the responsible sales of alcohol. The training must be offered to new employees on not less than a quarterly basis.
20. Any and all employees hired to sell alcoholic beverages must provide evidence that they have either:
 - a. Completed training from the State of California Department of Alcoholic Beverage Control (ABC), Long Beach/Lakewood District Office administered *Leadership and Education in Alcohol and Drugs* (LEAD) Program in the form of an ABC-issued certificate; or,
 - b. Completed an accepted equivalent by the ABC, Long Beach/Lakewood District Office to ensure proper distribution of beer, wine and distilled spirits to adults of legal age. If any prospective employee designated to sell alcoholic beverages does not currently have such training, then;
 - c. The ABC-licensed proprietors must have confirmed with the Planning and Building Safety Department within fifteen (15) days of the Director's decision, or by final project approval, that a date certain has been scheduled within the local ABC Office to complete the LEAD course.
 - d. Within thirty (30) days of taking said course, the employees, or responsible employer must deliver each required certificate showing completion to the Police Department.
21. If complaints are received regarding excessive noise, lighting, building access, or other disturbances associated with alcohol service at the hotel, the city may, in its discretion, take action to review the Conditional Use Permit, including without limitation, adding conditions or revoking the permit.

LICENSING:

22. Additional business license tax must be paid upon approval of license from Alcoholic Beverage Control (ABC) pursuant to MPMC § 5.12.230.

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POLICE:

23. The sale of alcoholic beverages for consumption off the premise is prohibited.
24. Food service is required at all hours that the establishment is open for business.
25. The restaurant must have security video cameras operating during all hours that the business is open. All cameras must record onto a videotape or similar recording device. The recordings of the security video cameras must be maintained for a minimum period of 30 days, and the recordings must be made immediately available for any law enforcement officer who is making the request as a result of official law enforcement business. The video cameras must be located to cover the main areas that are accessible to the public, all areas of the cash register/cashier and all areas where cash is stored. If the Chief of Police determines that there is a necessity to have additional security cameras installed, the manager/owner of the business must comply with the request within 7 days. The Chief of Police can also require the position of the video cameras to be changed if it is determined that the position of the camera does not meet security needs. The manager/owner of the business must comply with the request within 7 days. The picture quality of the video cameras and recording devices installed on the complex must meet the approval of the Chief of Police.
26. All conditions of the Alcoholic Beverage Control Board must be adhered at all times.
27. The quarterly gross sales of alcoholic beverages cannot exceed the gross sales of food during the same period.
28. The manager/owner is responsible for maintaining the property free of litter and graffiti.
29. Three or more violations of applicable law including, without limitation, these conditions within a one year period (as calculated starting on February 10, 2015 and every anniversary date thereafter) may result in the City commencing revocation of this Conditional Use Permit.
30. The restaurant must be equipped with an alarm system that covers break-ins and robberies. The alarm must be monitored by an alarm monitoring company who will notify the Monterey Park Police Department of any break-ins or robberies. Employees must have access to a hidden button that will trigger a silent alarm, notifying the alarm monitoring company that a robbery is taking place. The restaurant manager/owner must obtain an alarm permit from the Monterey Park Police Department. The permit be my obtained by calling the Monterey Park Police Community Relations Bureau at (626) 307-1215.
31. If the establishment is open for business past midnight (12:01 a.m.), the restaurant will employ one licensed security guard to remain on the premises

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RESOLUTION NO.**

during the hours of 6:00 p.m. to closing. The security guard will cooperate with the Police Department in any official police investigations or other related matters. If at any time, the Chief of Police deems that the security guard/company is inadequate, the Chief may require the owner to retain additional security guards or a new security company. If such a situation arises, the Chief of Police must notify the restaurant owner/manager in writing and the manager/owner will 7 business days to make the necessary changes.

By signing this document, Guanming Gao, certifies that the Applicant read, understood, and agrees to the Project Conditions listed in this document.

Guanming Gao, Applicant